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March 14, 2024

File No. 29881.445

**VIA ECF**

Hon. Arun Subramanian, U.S.D.J.  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

**Re: Polanco v. Protective Insurance Company; Case No. 23-cv-00062 (AS)**

Dear Judge Subramanian:

The parties have agreed to a voluntary discontinuance with prejudice of one claim in Plaintiff's Complaint – namely, Plaintiff's claim of bad faith. We ordinarily would file this Stipulation via ECF, but it is not a Voluntary Stipulation dismissing the whole case. Accordingly, we respectfully request that you endorse the Stipulation as a "So Ordered" Stipulation.

As Your Honor is aware, the parties will be mediating this case in April.

Thank you in advance for your consideration of the above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James M. Strauss".

James M. Strauss

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X Civil Action No.: 23-cv-00062

WILLIAMS ARTURO POLANCO,

Plaintiff,

-against-

PROTECTIVE INSURANCE COMPANY,

Defendants.

**STIPULATION OF  
VOLUNTARY DISMISSAL  
PURSUANT TO F.R.C.P.  
41(a)(1)(A)(ii)**

X

**IT IS HEREBY STIPULATED AND AGREED** by and between the parties and/or their respective counsel(s) that the Second Cause of Action of the plaintiff's verified complaint dated November 28, 2022 and all allegations of bad faith in the above-captioned action are voluntarily dismissed, with prejudice against the defendant PROTECTIVE INSURANCE COMPANY pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii).

Dated: New York, New York  
March 4, 2024

FORTUNATO & FORTUNATO PLLC

*Ronald Gill*

By: Ronald W. Gill, Esq.

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March 14, 2024

SO ORDERED:

*L.S.*  
U.S.D.J.